UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,670	04/23/2001	Edward O. Clapper	INTL-0539-US (P10899)	4133

7590 04/07/2004	EXAMINER
Timothy N. Trop	PESIN, BORIS M
TROP, PRUNER & HU, P.C.	
8554 KATY FWY, STE 100	ART UNIT / PAPER NUMBER
HOUSTON, TX 77024-1805	2174

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10, 12-22, 24-28, and 30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-22,24-28 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is responsive to Amendment A, filed 2/2/2004.

2.   Claims 1-10, 12-22, 24-28, and 30 are pending in this application. Claims 1, 13, and 24 are independent claims. In the Amendment A, Claims 1, 12, 13, and 24 were amended. This action is made Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-10, 12-22, 24-28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US 6347329) in view of Pelletier et al. (US 6327354).

In regards to claim 1, Evans discloses a method for providing a plurality of user selectable message options and enabling the user to compile a message by selecting from among the available message options. (Figure 3, Elements 120-129). Evans does not teach a method for audibly providing a plurality of user selectable message options. He further lacks a method to compile a message by making key selections. Pelletier teaches that, "... if the server ... includes a voice recognition resource, the audio message may provide options in the form of 'press or say' a digit to call a desired destination, or to select an option."(Column 5, Line 44). Pelletier further teaches, "the audio message may further comprise: "press 8 to call all of the destinations". Further, the audio message may provide an option to repeat the destination options." Column 5, Line 35). It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Evans with the teachings of Pelletier and include a method of

audibly providing message options and enable the user to select the message options

by pressing a key with the motivation to provide for an easy method to create a

message (Pelletier Column 2, Line 11).

In regards to claim 2, Evans discloses a method for providing message options

that include displaying a graphical user interface listing a plurality of message

options.(Figure 3, Element 127).

In regards to claim 3, Evans discloses a method for providing a plurality of pre-

selected display segments and providing a plurality of user selectable options for each

segment. (Figure 3, Elements 121-127).

In regards to claim 4, Evans discloses a method that includes displaying a list of

user-selectable options for plurality of display segments. (Figure 3, Elements 127 and

129).

In regards to claim 5, Evans discloses a method for enabling the options to be

displayed as a list of options. (Figure 3, Element 127).

In regards to claim 6, though Evans does not specifically disclose the method of

enabling the user to mouse select an option from each of the plurality of lists to

complete a message, it is inherent in the invention that it is possible to do so.

In regards to claim 7, Evans discloses a method that includes displaying a

graphical user interface in association with each of a plurality of display segments.

(Figure 3, Elements 121-129).

In regards to claim 8, Evans discloses a method for including linking a list of options to a display segment so that when an option is selected it appears on a display associated with a particular display segment. (Figure 3, Element 127).

In regards to claim 9, Evans discloses a method that includes generating an interface displaying said options and conveying said interface to a local system over a network. (Figure 3, and Figure 24).

In regards to claim 10, Evans discloses a method that includes generating a graphical user interface to locally display the options, developing the message locally, and transmitting the message remotely over a network. (Figure 3, Figure 24).

In regards to claim 12, Evans and Pelletier teach all the limitations of claim 1. Evans does not teach a method for compiling messages from among available audible message options by making key selections on a telephone. Pelletier teaches, "the subscriber menu may comprise the following audio message: "press 1 to call home, press 2 to call Mom at her office, press 3 to call Mom's cellular number, press 4 to call Dad at his office, press5 to call Dad in Detroit"" Column 5, Line 28).

Claims 13-22 are in the same context as claims 1-10; therefore they are rejected under similar rationale.

Claims 24-26 are in the same context as claims 1-3; therefore they are rejected under similar rationale.

In regards to claim 27, Evans discloses that his invention consists of a server (Figure 3, Element 414).

In regards to claim 28, Evans discloses that his invention consists of a client (Figure 3, Element 416).

Claim 30 is in the same context as claim 1, except that if further elaborates that there exists a telephone network. It is inherent in the invention of Evans and Pelletier, as described in the rejection for claim 1, that a telephone network exists.

Response to Arguments

Applicant's arguments, filed 3/2/2004, regarding claim 1 have been fully considered but they are not persuasive.

Applicant argued the following:

a.   Pelletier provides no teaching of how to select from among a plurality of audible options.

b.   Pelletier system does not provide a number of different user selectable options. The applicant states that, "The cited material simply allows the user to say or press a digit. In the claimed invention, for example, the system could say 0 1 2 3 4 5 6 7 9 10 and a key entry would be made to select an audible option. In contrast, in the cited art, all that is done is that the user can either make a key entry (e.g., 5) or make an audible selection (e.g., say 5). "

In regards to applicant's argument found above, the Examiner disagrees for the following reasons:

Per argument (a), Pelletier clearly teaches how to select from a among a plurality of audible options (Column 5, Line 28, "the subscriber menu may comprise the following

audio message: "press 1 to call home, press 2 to call Mom at her office, press 3 to call Mom's cellular number, press 4 to call Dad at his office, press 5 to call Dad in Detroit""). By providing a menu of "press 1, press 2, press 3 etc…" Pelletier is in fact teaching a method of selection from among a plurality of audible options.

Per argument (b), Pelletier clearly teaches a system that provides a number of different user selectable options (Column 5, Line 28, "the subscriber menu may comprise the following audio message: "press 1 to call home, press 2 to call Mom at her office, press 3 to call Mom's cellular number, press 4 to call Dad at his office, press5 to call Dad in Detroit"").

In regards to the applicant's use of numeral 26 and script letters, the Examiner withdraws his objection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100